Attorney's Docket No. 031599/258475 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/684,943 Confirmation No.: 3675
Applicant: Nomula
Filed: October 14, 2003
Art Unit: 3727
Examiner: R. A. Hylton
Title: EASY-OPENING CONTAINER AND CLOSURE WITH RADIATION-WEAKENED BOND AND METHOD THEREFOR

Docket No.: 031599/258475
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REPLY BRIEF UNDER 37 CFR §41.41

This Reply Brief is filed in response to the Examiner's Answer mailed January 10, 2008.

Response to Further Argument Presented in Examiner's Answer

On page 11 of the Appeal Brief, the applicant argued that no cited reference teaches the use of microwave radiation to weaken the adhesive bond, as recited in dependent Claim 10 (and Claims 20 and 30). In the middle of page 10 of the Examiner's Answer, the Examiner responded by asserting that the corona discharge treatment taught by Feldmeier is a known equivalent to the claimed microwave radiation treatment. To support this contention, the Examiner has referred to the newly cited patent to Kang, No. 6,132,861. The Examiner has not referred to any specific portion of the Kang patent which supposedly draws the argued equivalence, but if the Examiner is referring to the disclosure at column 13, lines 41-60 of Kang, it is submitted that this disclosure relates to the crosslinking and/or polymerization reactions which result from exposure to a suitable source of energy. This technology is clearly non-analogous to the weakening of an adhesive bond as presently claimed. Also, the differences between corona discharge and microwave radiation are profound, and would indicate no such equivalence for the weakening of an adhesive bond.

More particularly, corona discharge is conventionally defined as an electrical discharge characterized by a corona and occurring when one of two electrodes in a gas has a shape causing the electric field at its surface to be significantly greater than that between the electrodes. *http://www.answers.com/topic/corona-discharge?cat=technology*

In contrast, microwave (MW) radiation is commonly defined as electromagnetic radiation in the frequency range 300 MHz-300 gigahertz (GHz). *http://www.osha/gov/SLTC/radiofrequencyradiation/index.html*

These technical definitions of the two phenomena would certainly not lead one skilled in the art to believe they would be equivalent in their effect of weakening an adhesive bond.

It is accordingly submitted that at least as to Claims 10, 20, and 30, a prima facie case of obviousness has not been established by the Examiner.

Dependent Claim 40 provides an additional recitation which further rebuts the §103(a) rejections based upon Matuszak and Feldmeier, and upon Nelson, Feldmeier, and Matuszak.

In Paragraph (10) beginning on page 9 of the Examiner's Answer, the Examiner appears to contend that the applicant's argument that the references do not disclose a radiation weakened adhesive is not persuasive since the feature is "not recited in the rejected claims". The Examiner's contention is believed to represent a misreading of the claims, which call for a radiation weakened bond which is "formed of an adhesive".

Further, the Examiner's position cannot in any event be sustained with respect to dependent Claim 40, which further defines the bond as being defined by a radiation weakened adhesive.

For the above reason, and for the purpose of satisfying the requirement of a separate argument under 37 CFR 41.37(c)(vii), the applicant hereby amends its Appeal Brief to incorporate this statement with respect to the rejections based upon Matuszak and Feldmeier, and upon Nelson, Feldmeier and Matuszak.

Dependent Claims 20 and 30 provide an additional recitation which further rebuts the rejections based upon (1) Matuszak and Feldmeier, (2) Matuszak, Feldmeier and Reese, and (3) Nelson, Feldmeier, and Matuszak.

On page 11 of the Appeal Brief, the applicant has argued that Claim 10 provides additional features not disclosed by Matuszak and Feldmeier. In particular, Claim 10 specifies that the radiation treatment is a microwave radiation treatment. This same feature is also recited in dependent Claims 20 and 30, which are also listed in the rejection based upon Matuszak and Feldmeier, and Claims 20 and 30 should thus also be considered to have been separately argued under 37 CFR 41.37(C) (viii).

Claim 20 is listed in the rejections based upon Matuszak, Feldmeier, and Reese, and upon Nelson, Feldmeier, and Matuszak. Claim 20 should be considered as being separately argued with respect to these rejections, for the reasons advanced in the Appeal Brief for Claim 10.

Respectfully submitted,

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